



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

February 23, 2009

Reply To
Attn Of: ETPA-088

Ref: 07-022-AFS

Ralph Rau, Deputy Forest Supervisor
Nez Perce National Forest
Attn: "DRAMVU"
104 Airport Road
Grangeville, ID 83530

Dear Mr. Rau:

We have reviewed the Draft Environmental Impact Statement (DEIS) for the **Designated Routes and Areas for Motor Vehicle Use (DRAMVU)** on the Nez Perce National Forest (NPNF) in Idaho. Our review of the DEIS was conducted in accordance with our responsibilities under National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act.

Section 309 specifically directs the U.S. Environmental Protection Agency (EPA) to review and comment in writing on the environmental impacts associated with all major federal actions. Under our Section 309 authority, our review of the DEIS prepared for the proposed project considers the expected environmental impacts and the adequacy of the DEIS in meeting procedural and public disclosure requirements of NEPA.

The NPNF proposes to designate specific roads and trails for motor vehicle use, sorted by type of vehicle and time of year. This action is needed to comply with the Forest Service's Travel Management Rule (USDA-FS, 2005) and maintain opportunities for motorized recreation while minimizing user conflicts and impacts on natural resources.

The DEIS evaluates five alternatives, four of which comply with the Travel Management Rule by eliminating cross country travel. Alternative 1A is the Proposed Action and is based on the current forest road and trail systems. Alternative 2 is referred to as Modified Current Condition and brings the existing routes forward with modifications. Modifications generally include the implementation of past decisions to close or change route designations. Alternatives 3 and 4 respond to comments to decrease and increase motorized use respectively. Some key elements for Alternative 3 include the closure of the vast majority of motorized trails in inventoried roadless areas (IRA) and increased seasonal restrictions. Alternative 4, among other things, increases the miles of motorized trails in IRAs over Alternative 2 and provides more loop opportunities. No preferred alternative is identified.

EPA commends the NPNF for their efforts to address recreation and resource demands in their designation of routes and areas for motorized vehicle use. We acknowledge that the Travel Management Plan process is a positive step in addressing resource impacts from motorized uses. Of special note are the Design Criteria and Mitigation Measures Common to All Action

Alternatives. EPA especially supports: no additional motorized use in Research Natural Areas (RNAs); requests for additional enforcement and education funding; Threatened, Endangered and Sensitive plant species adaptive surveys and mitigation; and, weed spread reduction measures for new route construction.

Based on our review, we have rated the DEIS as Environmental Concerns – Insufficient Information (EC-2) (see enclosed “*Summary of Rating Definitions*”) due to our concerns regarding potential impacts to water quality, fish, soils, native vegetation and wildlife. In general, we have identified additional information, data, analyses and discussion that we believe should be included in the FEIS. We are particularly concerned about the lack of detail related to monitoring and enforcement; potential impacts from dispersed camping (especially along the Selway River Road); motorized use and winter range for large bodied wildlife; and, the lack of anticipated adaptations to climate change.

Of the 4 action alternatives analyzed in the DEIS we prefer the selection of the majority of route designations and design elements from Alternative 3. Alternative 3 is most consistent with existing Recreation Opportunity Spectrum Settings (ROSs) and generally presents the best alternative for improving aquatic condition, protecting wildlife, decreasing the risk of spreading invasive species, and reducing the miles of motorized roads and trails in IRAs. We strongly support the selection of Alternative 3’s route designations in the Crooked Creek, Slate Creek and Meadow Creek watersheds to protect fish species of special concern.

We appreciate this opportunity to comment. If you have questions or would like to discuss our comments in detail, please contact Erik Peterson at (206) 553-6322 or myself at (206) 553-1601.

Sincerely,

/s/

Christine B. Reichgott, Manager
NEPA Review Unit

Enclosure:
Detailed Comments
Summary of EPA Rating Definitions

cc: US EPA Idaho Operations Office

**EPA REGION 10 DETAILED COMMENTS
DESIGNATED ROUTES AND AREAS FOR MOTOR VEHICLE USE
NEZ PERCE NATIONAL FOREST, IDAHO**

Monitoring and Enforcement Strategy

We are concerned that monitoring requirements and goals, mitigation measures and compliance and enforcement information are not gathered into one section within the DEIS. We suggest that combining monitoring and mitigation measures and enforcement information into one comprehensive strategy, or at least one section of the FEIS, would help to the clarity of the document and the effectiveness of the monitoring and enforcement strategies themselves. We recommend that the Forest consider addressing the concerns and recommendations described below in one section of the FEIS, preferably through the development of an integrated monitoring and enforcement strategy. This strategy should integrate the monitoring requirements of the various laws, policies, executive orders and regulations listed throughout the DEIS.

Monitoring and Mitigation Measures

The Travel Management Rule requires the responsible official to monitor the effects of motor vehicle use as appropriate and feasible (See 36 CFR § 212.57). Throughout the DEIS there are numerous references to monitoring and mitigation measures and EPA supports these measures (e.g. “Monitoring would identify for localized unacceptable impacts that would need to be rectified.” (p. 279) and “It is expected that in the implementation phase of this decision, any site-specific issues associated with stream crossings, streamside roads and trails, and potential effects to fish and their habitat are addressed.” (p. 245)). We remain concerned, however, that monitoring and mitigation measures are not clearly integrated. Without a concise description of the proposed action’s monitoring and mitigation strategy it is difficult to appreciate how the Forest will assure that the proposed action’s benefits to fish and wildlife, native vegetation and water quality are occurring.

Recommendations:

We recommend that the FEIS list and summarize all of the monitoring and mitigation measures discussed throughout the DEIS in one section. We also recommend that this list include any associated decision thresholds and how they will effect travel management decisions over time. EPA is particularly interested in the monitoring and mitigation strategies for motor vehicle use related to: Regional Soil Quality Guidelines, “Areas of concern for fish” (p. 59), recreational quality (expectations and experiences), sediment yield objectives of the NPNF forest plan, TMDLs, and PACFISH Riparian Management Objectives (RMOs).¹

¹ EPA supports descriptions such as the following PACFISH RMO, “Where adjustment measures such as education, use limitations, traffic control devices, increased maintenance, relocation of facilities, and/or specific site closures are not effective in meeting RMOs and avoiding adverse effects on listed anadromous fish, eliminate the practice or occupancy.” (p. 203). Descriptions such as this one help to assure that mitigation measures are integrated with resource concerns.

Compliance and Enforcement

We believe that the DEIS insufficiently describes the Forest's capacity and plans to educate the public about DRAMVU and enforce associated rules. We note that, according to the DEIS, "Motorized access closures are frequently breached and resources for monitoring and enforcement are inadequate." (p. 166) and "Observations suggest that unauthorized trails such as these have been increasing in extent and use levels over the past 10 to 20 years" (p. 192)." In a situation where monitoring and enforcement resources are currently inadequate we are concerned that the Forest's plan to host public meetings, produce brochures and request extra funding for education and enforcement (p. 22) may not fully assure the potential environmental benefits of the proposed action.

Recommendations:

To address our compliance and enforcement concerns we recommend that the FEIS:

- provide a qualitative description of current and past enforcement effectiveness against illegal motorized use (e.g. crossing into wilderness areas from dead end motorized routes and "mud-bogging"). The Forest's analysis of how well current and reasonably foreseeable enforcement resources will increase compliance with MVUMs should be included; and,
- discuss current, proposed and potential opportunities to achieve education and compliance through partners and volunteers - including exploring non-traditional funding to expand education, signing, and enforcement efforts. The potential for cooperative enforcement efforts with the State of Idaho should be included.

Dispersed Camping

Under the proposed action, motorized vehicle use for access to dispersed camping and/or parking within 300 feet from center of road would be allowed, provided terrain and resource protection are not limiting factors (e.g. cliffs, streams, etc.). Alternative 2 allows motorized vehicle use for access to dispersed camping within 100 feet of motorized trails and Alternative 4 allows this access within 300 feet of trails. Alternative 3 has no provision for motorized access to dispersed camping from trails.

We realize that dispersed, undeveloped and primitive recreation settings are important opportunities for the Forest to provide. We are concerned that dispersed camping is generally concentrated around streams, wetlands and lakes and other areas of special interest for forest users. We are also concerned that enforcement of illegal OHV use in dispersed camping areas for purposes other than "direct-line" ingress/egress is difficult. Concentrated and illegal use increases the potential for dispersed camping to adversely effect water quality and aquatic resources, soils, native vegetation and wildlife.

Recommendations:

We recommend that the FEIS consider restricting motorized access to dispersed camping within 300 feet of perennial streams, 150 feet of lakes, and 100 feet of intermittent streams. Special protective measures for streams, wetlands and lakes would help limit potential water quality impacts.

Selway River

The Selway River from Lowell upstream to its origin is a designated Wild and Scenic River and is a relatively busy recreation area on the Forest. The Selway River is also subject to special management provisions to protect genetically and ecologically unique sub-populations of steelhead trout. One of these special provisions is to “Develop a schedule and prioritize to close, obliterate, and revegetate, or resurface as many existing roads as possible.” Due to the Selway River’s unique ecology and recreational use along we are concerned that the DEIS does not discuss a schedule to resurface the existing road. We are also concerned that without special restrictions such as eliminating dispersed camping in favor of designated camping areas adverse impacts to water quality, riparian vegetation and aquatic resources may increase.

Recommendations:

We recommend that the FEIS include a description of how the action alternatives incorporate the special management provision for steelhead trout in the Selway River watershed to develop a schedule and prioritize to close, obliterate and revegetate, or resurface as many existing roads as possible. The FEIS should discuss current and proposed resurfacing of the Selway River Road.

We also recommend that the FEIS consider restricting camping to existing designated sites along the Selway River Road.

Seasonal Use Restrictions

Motorized roads and trails can affect the occupancy, abundance and productivity of habitat for wildlife. Two key indicators include wildlife security areas and miles of roads and trails in riparian areas. For security and riparian area dependent species, such as Rocky Mountain Elk and Shira’s Moose, winter range is a particularly important habitat component. Due to the relative importance of winter range we are concerned that the action alternatives propose seasonal restrictions as summer closures rather than winter closures, “The Dec. 1 to April 2 period includes only routes open seasonally.”(p. 126). We are also concerned that Alternative 3 - generally the most beneficial alternative to wildlife - has the most winter motorized routes. Such a distinction is inconsistent with the design of Alternative 3 overall. In fact, EPA believes that the DEIS contains significant errors related to seasonal restrictions. How does Alternative 3 have the most security habitat from Dec. 1 to April 2 (Table 3.52 and p. 51) while also proposing the most winter motorized routes?

Recommendation:

We recommend that the FEIS clearly express the time period for seasonal closures and explain how Alternative 3 can have the most secure habitat in all seasons and also the most potential effects to riparian areas and Shira’s Moose in winter. Due to the relative importance of winter range to Rocky Mountain Elk and Shira’s Moose we recommend that seasonal closures for Alternative 3 restrict winter use, not summer use.

Over Snow Recreation

We recognize that the NPNF has chosen to not include over snow vehicles in this travel planning, but we note that the DEIS defines an OHV as, “Any motorized vehicle designed for or

capable of cross country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain (36 CFR 212.1)” (p. 297). EPA believes that over snow recreation by both wheeled and tracked motor vehicles can potentially cause damage to soil and water resources due to weather and seasonal conditions.

This damage can be caused by the delayed melting of snow that has been compacted by motor vehicle recreation in the winter and spring - delayed melting causes muddy conditions to persist into the late spring and summer OHV season. The persistence of muddy conditions increases rutting of native surfaced roads and trails. Ruts channel runoff and channeled water can increase soil erosion and sediment delivery to streams. Also, fragile alpine environments and sensitive plants are easily disturbed when snow cover is thin and/or inconsistent.

Recommendations

Due to the cumulative and potentially destructive nature of impacts from over the snow recreation we recommend that motorized spring and wintertime use be considered together with motorized use in other seasons. The Motorized Vehicle Use (MVU) map(s) should provide conditions, if any, for over snow recreation. We recommend that the Forest Service consider protecting vulnerable alpine vegetation with restrictions on motorized use when the snow is less than one foot deep.

Climate Change Adaptation

According to goal 4.3 of the “Forest Service Strategic Framework For Responding to Climate Change Version 1.0”² climate change should be addressed as part of agency plans and direction in the field, including NEPA. EPA believes that increased CO₂ and other Greenhouse Gas concentrations will increase the number of warm days and change the amounts and seasonal distributions of rainfall and snowpack. These changes will likely lead to related changes in things such as: altered water quantity, quality (e.g. temperature) and timing of waterflow; increased opportunities for warm weather recreation; and, potential increases for invasive species’ resistance to mitigation measures³.

Recommendation:

We recommend that the FEIS include a section on anticipated impacts and responses to climate change related to DRAMVU on the NPNF. EPA believes that promoting resilience to climate change by protecting biodiversity and habitat connections are especially important adaptation strategies. See, for example, "SAP 4.4. Adaptation Options for Climate-Sensitive Ecosystems and Resources | National Forests" at <http://www.climate-science.gov/Library/sap/sap4-4/final-report/sap4-4-final-report-Ch3-Forests.pdf> for additional information.

Cumulative Effects

We are concerned that the analytical perspective on cumulative effects is oversimplified. For example, in the cumulative effects section for watersheds the DEIS states, “The cumulative effects of alternative 3 are lower due to less motorized use. The cumulative effects of alternative

² <http://www.fs.fed.us/climatechange/documents/strategic-framework-climate-change-1-0.pdf>

³ http://www.ars.usda.gov/research/publications/Publications.htm?seq_no_115=134271

4 are higher due to more motorized use.”(p. 200). This type of analysis does not sufficiently express whether the difference in effects from motorized use is related to the number of users or the miles of designated routes.

Recommendation:

The FEIS should discuss how the different alternatives may influence numbers of motorized visitors to the forest and concentrations of use. We believe that differentiating between the environmental impacts of the designated route system itself and motorized use of the system is an important impact assessment element.

**U.S. Environmental Protection Agency Rating System for
Draft Environmental Impact Statements
Definitions and Follow-Up Action***

Environmental Impact of the Action

LO – Lack of Objections

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC – Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO – Environmental Objections

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU – Environmentally Unsatisfactory

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 – Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 – Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 – Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987